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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,564	01/12/2004	Ola Olofsson	TPP 30887DIV	8238

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,564

Applicant(s)

OLOFSSON ET AL

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 10/14/2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent 6,682,254 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Amendment

The amendment filed 1/31/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- “said hole having an opening below said groove” (line 7 of claim 18). Note that holes (7) are not located below grooves (1) as originally presented.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign (5) is described as being shown in figure 3 (see p.4, para.2) but is not shown in figure 3.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s):

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- First Equalizing cavity (line 5 of claim 14)
- Proximal end of the tongue (line 5 of claim 14)
- Proximal end of the groove (line 6 of claim 14)
- Second equalizing cavity (line 7 of claim 14)
- Gap (line 7 of claim 14)
- Distal end of tongue (line 8 of claim 14)
- Glue (line 9 of claim 14)
- The limitation “directing said glue away from said upper surface and towards the lower surface of the boards” (line 9 of claim 23).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Antecedent basis must be provided in the Specification for the following claim limitations:

- First Equalizing cavity (line 5 of claim 14)
- Proximal end of the tongue (line 5 of claim 14)
- Proximal end of the groove (line 6 of claim 14)
- Second equalizing cavity (line 7 of claim 14)
- Gap (line 7 of claim 14)
- Distal end of tongue (line 8 of claim 14)
- The limitation “directing said glue away from said upper surface and towards the lower surface of the boards” (line 9 of claim 23).

No new matter should be entered.

Claim Objections

Claims 14, 15 and 17-23 are objected to because numerous limitations do not have proper antecedent basis in the Specification. See objection to the specification above.

Claim 19 is further objected to because of the following informalities:

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- The limitation “panel” (line 2 of claim 19) should be replaced with --board-- for consistent claim terminology.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's original disclosure does not support “said hole having an opening below said groove” (line 7 of claim 18). Note that holes (7) are not located below grooves (1) as originally presented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 14, 15 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Parasin (U.S. Patent 5,165,816).

Claim 14. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), a tongue (16, 20, 24), a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue, wherein a distal end (16) of the tongue is smaller than a proximal end (32) of the groove; a second equalizing cavity (bottom 42), formed by a gap between the proximal end (32) of the groove and the distal end of the tongue; and further comprising glue (col.3, ll.15-20) disposed in at least one of the first equalizing cavity and the second equalizing cavity.

Claim 15. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) joined to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), a tongue (16, 20, 24), a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue wherein a distal end (16) of the tongue is smaller than a proximal end (32) of the groove; a second equalizing cavity (lower 42), formed by a gap between the proximal end of the groove and the distal end of the tongue, wherein at least one of the first equalizing cavity and the second equalizing cavity extends to the lower surface (where lower 42 meets the lower surface of 11) of the second board.

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Claim 17. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), a tongue (16, 20, 24), a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue, wherein a distal end (16) of the tongue is smaller than a proximal end of the groove (32); a second equalizing cavity (lower 42), formed by a gap between the proximal end of the groove and the distal end of the tongue, wherein the tongue comprises at least one guiding wedge (top 17 and bottom 17) on an upper surface (upper 22) or a lower surface (lower 22) thereof, whereby the at least one guiding wedge contacts (where 17 meets 33 near 34) an inner surface of the groove. Note that element (18) could also be interpreted as the upper surface.

Claim 18. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent board, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) joined to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), and a tongue (16, 20, 24); and the first board and said second board defining a gap (lower gap between 10 and 11) therebetween; and a hole (bottom 46), in fluid communication (col. 3, ll. 15-20) with the gap, the hole having an opening below the groove.

Claim 19. Parasin discloses that the hole extends from the joint towards a proximal section of the first and second board (in as much as the applicant's hole does).

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Claim 20. Parasin discloses that the hole extends towards the lower surface of the first or second board.

Claim 21. Parasin discloses that the hole is a vent through one of the boards.

Claim 22. Parasin discloses that the vent has a terminal end (bottom of 46) at the lower surface of the board.

Claim 23. Parasin discloses a method for assembling floor boards to form a joint therebetween, the method comprising: providing: a first board (10), the first board comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), and a tongue (16, 20, 24); and glue (col.3, ll.15-20), disposed on at least one of the tongue and the groove; mating the groove of the first board with the tongue of the second board; and directing the glue away from the upper surface and towards the lower surface of the boards (through bottom 42 and bottom 46).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701.

The examiner can normally be reached on 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



VLM

March 24, 2005



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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